

1970

## c 425 Secondary Schools and Boards of Education Act

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## CHAPTER 425

**The Secondary Schools and Boards of Education Act**

**1.** A person is a resident pupil with respect to a secondary school district, Resident pupils

- (a) if he resides with his parent or guardian in the secondary school district; or
- (b) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment in the preceding year of property taxable for secondary school purposes in the secondary school district divided by four times the average daily attendance of resident pupils in that year; or
- (c) if he resides and is assessed in the secondary school district or if he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district,

but a person is not a resident pupil under clause *a* if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. R.S.O. 1960, c. 362, s. 1 (2); 1960-61, c. 93, s. 1 (1); 1964, c. 106, s. 1 (2); 1966, c. 141, s. 1.

## PART I

## SECONDARY SCHOOLS

**2.—(1)** The Lieutenant Governor in Council may establish any area in the territorial districts, that is not part of a school division, as a secondary school district, and may discontinue or decrease or increase the area of any such secondary school district, and if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. R.S.O. 1960, c. 362, s. 12 (4); 1965, c. 119, s. 2 (3); 1968-69, c. 115, s. 2 (5). In unorganized territory

Board of  
education in  
unorganized  
territory

(2) Where a secondary school district has been established under subsection 1, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of Part III apply to the board. R.S.O. 1960, c. 362, s. 51 (4); 1964, c. 106, s. 11 (1).

Board of  
education in  
territorial  
districts  
outside  
school  
divisions

**3.—**(1) Where a secondary school district is established under subsection 1 of section 2, the Lieutenant Governor in Council may make regulations providing for,

- (a) the formation of a board;
- (b) the apportionment of costs within the secondary school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council. 1968-69, c. 115, s. 10.

Powers  
and  
duties

(2) The board shall exercise the powers and duties of a municipal council for that part of the secondary school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for secondary school purposes. R.S.O. 1960, c. 362, s. 26 (2); 1964, c. 106, s. 5, *amended*.

Apportion-  
ment of  
costs

(3) In apportioning the costs within the secondary school district, the portion of the secondary school district that comprises territory without municipal organization shall be treated as one municipality. R.S.O. 1960, c. 362, s. 26 (3).

Tax  
collector

(4) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality. R.S.O. 1960, c. 362, s. 26 (4), *amended*.

Rates for  
first year  
to be levied  
on current  
assessment

(5) In the first year that any territory without municipal organization is included in a secondary school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year. R.S.O. 1960, c. 362, s. 26 (5).

Return of  
arrears of  
taxes in  
unorganized  
territory

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Entry in  
sheriff's  
book

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

Payment of  
arrears  
thereafter

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

When  
arrears to  
be paid to  
sheriff

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. 1960-61, c. 93, s. 3.

Sale of  
land for  
arrears

(11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a secondary school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the secondary school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board. 1962-63, c. 130, s. 6.

Where tax  
arrears  
procedures  
of R.S.O.  
1970, c. 118,  
in effect

4.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a secondary school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a secondary school district, and may appoint as members of the board such persons as he considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district, and has all the authority of a secondary school board for the purposes of this Act. R.S.O. 1960, c. 362, s. 12 (5), *amended*.

On exempt  
land

(2) Where a secondary school district has been established under subsection 1, the Minister may authorize the formation of a

Board of  
education for  
secondary  
school district  
on exempt  
lands



board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of Part III apply to the board. 1964, c. 106, s. 11 (2).

Trustee,  
qualification

**5.—(1)** Subject to subsection 2, a person is qualified to be elected or appointed as a trustee of a secondary school board,

- (a) who is a Canadian citizen;
- (b) who is of the full age of twenty-one years;
- (c) who is a resident in the secondary school district; and
- (d) who is a ratepayer of the secondary school district. 1962-63, c. 130, s. 5, *part, amended*.

dis-  
qualification

**(2)** A person is not qualified to be elected or appointed as a trustee of a secondary school board,

- (a) who is,
  - (i) a member of any other elementary school board or board of education, or
  - (ii) a member of the council of a municipality or county all or part of which is included in the secondary school district, or
  - (iii) an elected member of a local board of a municipality or county all or part of which is included in the secondary school district,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be, or

- (iv) on the effective date of his election or appointment, a member of another secondary school board;
- (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the secondary school district;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of election or appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue

and unpaid at the time of election or appointment.  
1962-63, c. 130, s. 5, *part*; 1966, c. 141, s. 2, *amended*.

(3) A person is qualified to act as a trustee during the term for which he was elected or appointed so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.

Qualification  
to act as  
trustee

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1;

Persons  
deemed  
ratepayers

- (a) a person whose name is entered on the last revised assessment roll;
- (b) the husband or wife of a person assessed as actual owner or tenant of land in the secondary school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the secondary school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the secondary school district if he or she resides on the farm with the assessed owner.

(5) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. 1962-63, c. 150, s. 5, *part*.

Interpre-  
tation

**6.**—(1) Every secondary school board shall provide adequate accommodation for its pupils and shall establish and maintain a secondary school in the secondary school district in which it has jurisdiction and may establish and maintain such additional secondary schools as the board considers necessary and may provide for the location, erection, maintenance and management of the schools so established.

Establish-  
ment and  
maintenance  
of schools

(2) Notwithstanding subsection 1, the board of a secondary school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils. R.S.O. 1960, c. 362, s. 30 (1, 2), *amended*.

Exceptions

**7.**—(1) Where a municipality or county has raised money for the purposes of a secondary school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Payment  
to school  
boards

(2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any

Expenses  
re issuing  
debentures

by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 130, s. 7.

Estimates

**8.**—(1) Every secondary school board in each year shall prepare and adopt and submit to the council of each municipality all or part of which is included in the secondary school district, estimates of all sums required during the year for the purposes of the board, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the secondary school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided. 1965, c. 119, s. 7, *part*; 1967, c. 91, s. 5; 1968-69, c. 115, s. 14 (1).

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Rates for  
current  
purposes

(2) The council of each municipality, all or part of which is included in a secondary school district, shall levy and collect each year and pay to the secondary school board such sums as may be required by the board for secondary school purposes, in such instalments and at such times as are provided in section 34, which section applies *mutatis mutandis*. 1968-69, c. 115, s. 14 (2).

Municipality  
to account  
for moneys

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year. 1968, c. 122, s. 2; 1968-69, c. 115, s. 14 (3).



**9.**—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the secondary school purposes of any locality, or that may hereafter be so granted, devised, acquired or vested is vested in the board having jurisdiction in such locality. R.S.O. 1960, c. 362, s. 38 (1).

Secondary school property vested in trustees

(2) The board has power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for secondary school purposes, and the proceeds of such sale, transfer or lease shall be applied for secondary school purposes. R.S.O. 1960, c. 362, s. 38 (2); 1967, c. 91, s. 6.

Power to sell, lease, etc.

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. R.S.O. 1960, c. 362, s. 38 (3).

Notice to Minister

## PART II

### VOCATIONAL SCHOOLS

**10.** In this Part, "board" means a secondary school board or board of education. R.S.O. 1960, c. 362, s. 39.

Interpretation

**11.**—(1) Subject to the approval of the Minister, a board may establish and maintain a vocational school. R.S.O. 1960, c. 362, s. 40 (1).

Establishment of vocational schools

(2) A vocational school under this Part may provide,

Courses of study

- (a) full-time day courses of study;
- (b) part-time day courses of study;
- (c) evening courses of study.

(3) A board that has established a vocational school may establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in special education classes or who are eligible for admission to such classes. R.S.O. 1960, c. 362, s. 40 (2); 1968-69, c. 115, s. 17.

Special vocational schools and classes

**12.**—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school.

Admission of pupils, to pre-vocational school courses

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in special education

to special vocational schools and classes



classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes.

Idem

(3) Subject to the regulations, a resident pupil,

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(a) who is required to attend school under *The Schools Administration Act*; and

(b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,

may be required by the school board to attend any such special vocational school or class.

Admission  
of adults

(4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,

(a) to a special full-time day course of study;

(b) to a part-time day course of study; or

(c) to an evening course of study.

Transfer  
from pre-  
vocational  
courses

(5) Where a pupil has,

(a) attended pre-vocational school classes in a vocational school for at least one year; and

(b) made progress in his course of study satisfactory to the principal,

he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1960, c. 362, s. 41.

Advisory  
vocational  
committee

**13.**—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of the board, and the board shall appoint an advisory vocational committee and shall consider recommendations submitted to it by the committee. 1966, c. 141, s. 5.

Composition

(2) The committee shall consist of five, eight or twelve members as the board may determine. 1961-62, c. 131, s. 4, *part*.

Idem

(3) Where the committee is to consist of five members, it shall be composed of,

(a) the chairman and two trustees;

(b) one person, appointed by the board, who is an employee

in manufacturing, agricultural, commercial or other industry; and

- (c) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (1).

(4) Where the committee is to consist of eight members, it shall Idem be composed of,

- (a) the chairman and three trustees;
- (b) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) two persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (2).

(5) Where the committee is to consist of twelve members, it Idem shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (3).

(6) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation. 1965, c. 119, s. 10 (1). Appointments from other occupations

(7) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one secondary school district on the understanding that it will serve two or more secondary school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. 1961-62, c. 131, s. 4, *part*. Where school under technical and vocational training agreement

Appointment of members

**14.**—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed.

Tenure of office

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board.

Idem

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Vacancies

(4) The board, at its first meeting in each year after the establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Idem

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum

(6) The presence of a majority of the members constituting a committee is a quorum at any meeting, and a vote of the majority of the quorum is necessary to bind a committee.

Chairman voting

(7) On every question, other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1960, c. 362, s. 43.

Co-opted members

**15.**—(1) The advisory vocational committee may, in any year at a meeting that has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it considers necessary.

Idem

(2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 13 or in clauses *b* and *c* of subsection 4 of section 13, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.

Term of office

(3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1960, c. 362, s. 44.

Qualifications of members

**16.** The appointed members and co-opted members of the advisory vocational committee shall, in addition to their techni-



cal or business qualifications, have the qualifications required for the members of the board by which they are appointed. 1964, c. 106, s. 9.

**17.**—(1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the secondary school district, and with respect to courses of study. Powers of committee

(2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other committees of the board in all matters affecting vocational education in the vocational and composite schools under the jurisdiction of the board. 1964, c. 106, s. 10. Idem

(3) The board shall not refuse its approval of any report of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose. When approval withheld

(4) The secretary and other officers of the board shall be the officers of the committee. R.S.O. 1960, c. 362, s. 46 (3, 4). Officers of committee

(5) Subject to the approval of the Minister, the board, upon the recommendation of the committee, may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed is subject to the control of the board. 1967, c. 91, s. 7. Co-ordinating officers

**18.**—(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year. R.S.O. 1960, c. 362, s. 47 (1); 1968-69, c. 115, s. 18. Estimates

(2) Subject to the regulations, the cost of establishing, equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of secondary schools. R.S.O. 1960, c. 362, s. 47 (2). Provision of moneys

Application  
of Pts. I,  
III, VI and  
R.S.O. 1970,  
c. 424

**19.** Where not inconsistent with this Part, Parts I, III and VI and *The Schools Administration Act* apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1960, c. 362, s. 48.

## PART III

### BOARDS OF EDUCATION

Interpre-  
tation

**20.** In this Part, "board of education" means a board of education other than a divisional board established under Part IV. 1968-69, c. 115, s. 19.

Establish-  
ment and  
status of  
board

**21.—(1)** A board of education may be established in a secondary school district to perform the duties of a secondary school board for the district and the duties of a public school board for the school section or sections situated within the boundaries of the district, and where a board of education is established,

- (a) for secondary school purposes, it shall be deemed to be a secondary school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part.

Powers and  
duties of  
board

(2) Every board of education is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a secondary school board.

Name of  
board

(3) The name of a board of education that has jurisdiction in one municipality is "The Board of Education for the . . . . . of . . . . . ." (*inserting the name of the municipality*).

Idem

(4) The name of a board of education that has jurisdiction in more than one municipality is "The . . . . . District Board of Education" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1960, c. 362, s. 50 (1-4).

Members to  
be trustees

(5) A member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on

matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes. 1970, c. 63, s. 1.

**22.** Upon the organization of a board of education,

- (a) the secondary school board and all public school boards in the secondary school district are dissolved;
- (b) all the property vested in such boards becomes vested in the board of education; and
- (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. R.S.O. 1960, c. 362, s. 52 (1); 1967, c. 91, s. 9.

Assets,  
liabilities  
etc.

**23.** A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but, where public school property is appropriated for secondary school purposes, the public school board shall be credited with the value of the property so appropriated and, where secondary school property is appropriated for public school purposes, the secondary school board shall be credited with the value of the property so appropriated. R.S.O. 1960, c. 362, s. 53, *amended*.

Appropriation  
of boards  
of property

**24.—(1)** Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 37, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school supporters shall be,

Composition  
of boards  
of education

- (a) where the population of the municipality is 50,000 or more, not fewer than two; and
- (b) where the population of the municipality is less than 50,000, not fewer than one. 1968-69, c. 115, s. 23.

(2) The provisions of section 39 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part.

Qualification  
and dis-  
qualification

(3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment.

Exception

(4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any cause before the

Filling  
vacancies



expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling  
vacancies  
prior to  
next election

(5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters. 1970, c. 63, s. 2.

Special and  
advanced  
courses of  
study in  
secondary  
schools

**25.**—(1) Every board of education having jurisdiction over more than one secondary school, with the approval of the Minister, may,

- (a) make such modifications of the school courses provided in the secondary schools under its jurisdiction as it considers expedient;
- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, according to the course or courses of instruction provided therein.

Application  
of regula-  
tions

(2) The accommodations and equipment of the school and the qualifications of the staff are subject to the regulations. R.S.O. 1960, c. 362, s. 63 (1, 2), *amended*.

Application  
of  
R.S.O. 1970,  
c. 385

**26.** The provisions of *The Public Schools Act* and Parts I, II and VI that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. R.S.O. 1960, c. 362, s. 64; 1964, c. 106, s. 13.

## PART IV

### DIVISIONAL BOARDS OF EDUCATION

Interpre-  
tation

**27.**—(1) In this Part,

R.S.O. 1970,  
cc. 295, 407

- (a) “city” includes a separated town, but does not include a defined city or an area municipality as defined in *The Municipality of Metropolitan Toronto Act* or in *The Regional Municipality of Ottawa-Carleton Act*;
- (b) “county” includes a provisional county and a united county;
- (c) “county municipality” means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality;

- (d) "defined city" means,
  - (i) the City of Hamilton,
  - (ii) the City of London, and
  - (iii) the City of Windsor,
- (e) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act*. R.S.O. 1970,  
c. 131
- (f) "divisional board" means a divisional board of education established under this Part;
- (g) "public school elector" in a school division means,
  - (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and
  - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter;
- (h) "school division" means a school division established by or under this Part;
- (i) "separate school supporter" in a school division means,
  - (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and
  - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 31 (1); 1970, c. 63, s. 4.

(2) This Part does not apply to a board, school section or high or secondary school district heretofore or hereafter established under section 12 of *The Public Schools Act* or under section 4 of this Act or a predecessor of any such section. 1968-69, c. 115, s. 31 (2), *amended*. Application  
to schools  
on exempt  
land  
R.S.O. 1970,  
c. 385

Essex  
county

(3) For the purposes of this Part, the County of Essex includes Pelee Island. 1968, c. 122, s. 8, *part*.

Territory  
without  
municipal  
organization  
deemed  
district  
municipality

(4) For the purposes of this Part,

- (a) every school section in existence on the 31st day of December, 1968 that comprised only territory without municipal organization, except a school section established under section 12 of *The Public Schools Act* or under subsection 4a of section 51 of *The Secondary Schools and Boards of Education Act*;
- (b) any part of territory without municipal organization that on the 31st day of December, 1968 was part of a high school district but was not in a school section; and
- (c) any part of territory without municipal organization that is designated by the regulation made under subsection 2 of section 28 as part of a school division and on the 31st day of December, 1968 was not in a school section or in a high school district,

R.S.O. 1960,  
cc. 330, 362

shall be deemed to be a district municipality. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 31 (3), *amended*.

Powers and  
duties of  
divisional  
board re  
territory  
without  
municipal  
organization

(5) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board and with respect to the preparation of a voters' list and the election of members of the divisional board and all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 6 to 11 of section 3 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 31 (4), *amended*.

Rates for  
public  
library in  
unorganized  
territory in  
school  
division  
R.S.O. 1970,  
c. 381

(6) Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 4, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. 1968-69, c. 115, s. 31 (5).



(7) Subject to subsection 8, where any part of territory without municipal organization is now attached for public school purposes to a municipality, such part of territory without municipal organization shall, for public and secondary school purposes, be deemed to be attached to such municipality for the purposes of this Part, and the officers of such municipality shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school division as with respect to any part of the school division that is within the municipality, and subsection 2 of section 40 of *The Public Schools Act* applies *mutatis mutandis*.

Parts of territory without municipal organization attached to municipality

R.S.O. 1970, c. 385

(8) Where any part of territory without municipal organization is attached under subsection 7 to a municipality, and such part is included under subsection 9 of section 38 with one or more municipalities in a combined area for the election of one or more members of the divisional board and the combined area does not include the municipality to which such part is so attached, such part for the purposes of subsection 7 shall be deemed to be attached to the municipality that has the greatest residential and farm assessment in the combined area according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs.

Idem

(9) The trustees of an improvement district that forms all or part of a school division, in each year in which an election for members of the divisional board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the preparation of a voters' list and the election of members of a divisional board under *The Municipal Act* and *The Voters' Lists Act* which apply *mutatis mutandis*. 1968, c. 122, s. 8, part.

Elections in improvement districts

R.S.O. 1970, cc. 284, 486

**28.**—(1) On and after the 1st day of January, 1969,

(a) every defined city; and

School divisions, in counties

(b) every county, including all municipalities situate therein, except,

(i) a defined city, and

(ii) an area municipality as defined in *The Municipality of Metropolitan Toronto Act* or in *The Regional Municipality of Ottawa-Carleton Act*,

R.S.O. 1970, cc. 295, 407

is a school division.

in territorial  
districts

- (2) The Lieutenant Governor in Council may by regulation,
- (a) designate any area in the territorial districts as a school division;
  - (b) assign a name to the divisional board for each such school division;
  - (c) alter the boundaries of any such school division, and where any part of territory without municipal organization is attached to such a school division, designate such part as a district municipality or attach it to a district municipality.

deemed  
public  
school  
section  
and  
secondary  
school  
district

(3) For the purposes of every Act, a school division shall be deemed to be a school section and a secondary school district. 1968, c. 122, s. 8, *part*.

Divisional  
boards  
establish-  
ment

**29.**—(1) A divisional board of education shall be established in each school division, and the members of the board shall be elected and the board organized in accordance with this Part.

Powers and  
duties

(2) Every divisional board is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a secondary school board, and, except where inconsistent with this Part, for the purposes of every Act, shall be deemed to be,

- (a) a secondary school board for secondary school purposes; and
- (b) a public school board for public school purposes.

Name of  
board,  
defined  
city

(3) The name of a divisional board that has jurisdiction in a defined city is "The Board of Education for the City of . . . ." (*inserting the name of the defined city*).

county

(4) The name of a divisional board that has jurisdiction in one county is "The . . . . . County Board of Education" (*inserting the name of the county*). 1968, c. 122, s. 8, *part*.

regional  
municipality

(5) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is the " . . . . . Board of Education" (*inserting a name selected by the board and approved by the Minister*). 1968-69, c. 115, s. 32.

territorial  
districts

(6) The name of a divisional board that has jurisdiction in the territorial districts is "The . . . . . Board of Education" (*inserting the name assigned by the regulations*).

(7) A member of a divisional board who is elected by separate school supporters is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes. 1968, c. 122, s. 8, *part*.

Members  
to be  
trustees

**30.**—(1) In this section, “board” means a public school board, high school board, collegiate institute board, board of education or continuation school board. 1968, c. 122, s. 8, *part*.

Interpre-  
tation

(2) Upon the organization of a divisional board of a school division of a defined city and in respect of divisional boards of all other school divisions on the 1st day of January, 1969,

- (a) all boards that have jurisdiction wholly or partly in the school division are dissolved;
- (b) subject to subsection 4, all real and personal property vested in such boards and situate in the school division becomes vested in the divisional board;
- (c) all debts, contracts, agreements and liabilities for which such boards were liable, except employment contracts with teachers, become obligations of the divisional board or boards as provided by the arbitrators under subsections 3 and 4;
- (d) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts;
- (e) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach only in one or more schools included in the school division becomes an obligation of the divisional board of the school division; and
- (f) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach in one or more schools in the school division and in one or more schools in one or more other school divisions becomes an obligation of such divisional board as is provided by the arbitrators under subsection 4. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 33 (1, 2).



## Arbitration

(3) Each divisional board shall, on or before the 15th day of March, 1969, appoint three or five arbitrators, who are not members of the divisional board or of a municipal council that has jurisdiction in the school division, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 2, had jurisdiction wholly in the school division in which the divisional board has jurisdiction. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 33 (3).

## Idem

(4) Where a board that is dissolved under subsection 2 had jurisdiction in an area that after the 1st day of January, 1969, forms part of two or more school divisions, each divisional board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed by it under subsection 3 who shall collectively value and adjust in an equitable manner the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses *c* and *f* of subsection 2. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 33 (4).

Appoint-  
ment of  
additional  
arbitrator

(5) The arbitrators under subsection 4 shall appoint an additional arbitrator, and if the arbitrators fail to make such appointment before the 1st day of April, 1969, the Minister may make such appointment.

Referral to  
O.M.B.

(6) Where a majority of the arbitrators is unable to reach a decision on any matter, such matter shall be referred by the divisional board or boards to the Ontario Municipal Board whose decision is final. 1968, c. 122, s. 8, *part*.

Decision of  
arbitrators

(7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 9, every such decision is final.

Implemen-  
tation of  
decision

(8) A decision under subsection 3 or 4 or an amended decision under subsection 9 shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

- (a) a decision in respect of a teacher's contract under clause *f* of subsection 2; or
- (b) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(9) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a decision in respect of a teacher's contract under clause f of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*. Amended decision

(10) For the purposes of subsection 9, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. 1970, c. 63, s. 5. Vacancy in arbitrators

(11) Where an employee of a board that, before the 1st day of June, 1968, has established a sick leave credit plan becomes, on the 1st day of January, 1969, an employee of a divisional board, the divisional board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board. 1968, c. 122, s. 8, *part*. Sick leave credits

(12) Notwithstanding subsection 4 of section 102 of *The Schools Administration Act*, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the divisional board that appointed him. 1968-69, c. 115, s. 33 (6). Fees for arbitrators  
R.S.O. 1970,  
c. 424

**31.**—(1) Every divisional board in each year shall prepare and adopt estimates of all sums required during the year for public school purposes and for secondary school purposes respectively, and such estimates, Estimates

- (a) shall set forth the estimated revenues and expenditures of the board including debt charges payable by the divisional board or on its behalf by the council of a municipality or a county;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs

R.S.O. 1970,  
c. 424

i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*,

(i) for secondary school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and

(ii) for public school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the taxable property of public school supporters in the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs,

and such assessment shall be that on which taxes were levied in the year preceding the year for which the estimates are adopted;

(e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided,

and shall submit to the council of each municipality in the school division on or before the 1st day of March in each year a statement indicating the amount of the estimates for public school purposes and for secondary school purposes to be raised by each municipality and a requisition of the amount of the estimates for public school purposes and for secondary school purposes required to be raised by the municipality. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 34 (1).

Where  
estimates  
submitted  
after Mar.  
1st

(2) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 34 to levy and collect the amount required by the divisional board.

Where cost  
of separate  
levy payable  
by divisional  
board

(3) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board. 1970, c. 63, s. 6.

Application  
of R.S.O.  
1970,  
c. 284, s. 307,  
subs. 5

(4) Subsection 5 of section 307 of *The Municipal Act* does not apply to divisional boards. 1968-69, c. 115, s. 34 (2), *part*.



**32.—(1)** In this section,Interpre-  
tation

- (a) “assessment” means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) “equalization factor” means the equalization factor, based on the assessment referred to in clause *a*, provided by the Department of Municipal Affairs;
- (c) “equalized assessment” means the assessment as adjusted by the application of the equalization factor. 1968, c. 122, s. 8, *part*.

(2) Where in any year territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 11 may be made within thirty days after receiving the apportionment from the divisional board. 1968-69, c. 115, s. 35; 1970, c. 63, s. 7 (1).

Apportion-  
ment where  
unorganized  
territory  
becomes  
part of  
school  
division

(3) The sum required by a divisional board for secondary school purposes shall be apportioned among the municipalities in the school division in the proportion that the equalized assessment of the property rateable for secondary school purposes in each such municipality bears to the equalized assessment of all the property rateable for secondary school purposes in the school division.

Apportion-  
ment,  
secondary  
school  
purposes

(4) The sum required by a divisional board for public school purposes shall be apportioned among the municipalities in the school division in the proportion that the equalized assessment of the property rateable for public school purposes in each such municipality bears to the equalized assessment of all the property rateable for public school purposes in the school division. 1968, c. 122, s. 8, *part*.

Apportion-  
ment,  
public  
school  
purposes

(5) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 3 or 4 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year. 1970, c. 63, s. 7 (2).

Request for  
arbitration

(6) The request for arbitration under subsection 5, in respect of the year 1969, may be made to the divisional board before the 1st day of March, 1969, and where the decision under this section

for year  
1969

results in an adjustment of the apportionment under subsection 3 or 4 for the year 1969, an underpayment or an overpayment by a municipality with respect to the apportionment for the year 1969 shall be adjusted in the levy for the year 1970.

**Arbitrators** (7) Upon receipt of the application, the divisional board shall direct its secretary to call a meeting of the treasurer of the county and the treasurers of the municipalities within the school division, and these treasurers shall be arbitrators to determine the proportion of the amounts to be raised by each municipality.

**Notification of decision** (8) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the divisional board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail.

**Reference to O.M.B.** (9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the divisional board shall refer the matter to the Ontario Municipal Board whose decision is final. 1968, c. 122, s. 8, *part*.

**Effect of decision** (10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made. 1968, c. 122, s. 8, *part*; 1970, c. 63, s. 7 (3).

**Territory without municipal organization** (11) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under subsections 5 and 9 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act. 1970, c. 63, s. 7 (4).

**Adjustment as result of arbitration** (12) Where in respect of any year a municipality in a school division has, under section 34, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year. 1970, c. 63, s. 7 (5).

**Interpretation** **33.—**(1) In any regulation made under this section, except where otherwise provided in the regulation, assessment, equalization factor and equalized assessment have the same meaning as in section 32.



(2) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for the year 1970 and any subsequent year among the municipalities or parts thereof in the school division.

Regulations for apportionment in year 1970 and any subsequent year

(3) Notwithstanding subsections 3 and 4 of section 32, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation passed under this section is applicable shall be apportioned among the municipalities or parts thereof in the school division in accordance with such regulation.

Apportionment

(4) Where, in making the apportionment in accordance with the regulations, estimated data are used, an overpayment or an underpayment by a municipality or part, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Where estimated data used

(5) Where the regulations made under *The Department of Education Act* provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district. 1968-69, c. 115, s. 38.

Application of grants R.S.O. 1970, c. 111

(6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 7 to 12 of section 32 apply *mutatis mutandis*. 1970, c. 63, s. 8.

Request for arbitration

**34.—**(1) The council of each municipality in a school division in each year shall levy and collect,

Rates

- (a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and
- (b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes. 1968-69, c. 115, s. 39 (1).

(2) Subject to subsection 3, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public

Payment to boards



school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Agreement

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to all municipalities in the school division and otherwise subsection 2 applies *mutatis mutandis*. 1968-69, c. 115, s. 39 (3).

Termination  
of agreement

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

- (a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or
- (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

Where in-  
stalment due  
before  
requisition  
received

(5) Where in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 2 shall apply thereto, and the necessary

adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received. 1970, c. 63, s. 9 (3).

(6) The notice of taxes given by the collector under section 521 of *The Municipal Act* shall be given separately in relation to taxes imposed for school purposes or in such manner as will clearly indicate the taxes imposed for school purposes. 1968, c. 122, s. 8, *part*. Tax notices  
R.S.O. 1970,  
c. 284

**35.**—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively. 1968, c. 122, s. 8, *part*. Debentures

(2) The clerk-treasurer or treasurer of each county and municipality in which a divisional board has jurisdiction shall notify the treasurer of the divisional board before the 1st day of January in each year of the amount of the principal and interest due and payable in that year in respect of debentures issued for school purposes by such county or municipality and the dates on which payments are due. 1968, c. 122, s. 8, *part, amended*. Notification  
of debt  
charges

(3) The treasurer of the divisional board shall pay to every county and municipality on or before the due date of payment the amount of the principal and interest as notified under subsection 2. 1968, c. 122, s. 8, *part*. Payment  
of debt  
charges for  
debentures  
not issued  
by the  
board

**36.**—(1) Every divisional board shall appoint an auditor who shall be a person licensed by the Department of Municipal Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the divisional board. Appoint-  
ment and  
dismissal  
of auditor

(2) No person shall be appointed as an auditor of a divisional board who is or during the preceding year was a member of the divisional board or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the divisional board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect. Disqualifi-  
cation of  
auditor

(3) An auditor of a divisional board shall perform such duties as are prescribed by the Department and by the Department of Duties of  
auditor

Municipal Affairs and also such duties as may be required by the divisional board that do not conflict with the duties prescribed by the Department and the by Department of Municipal Affairs.

Rights of  
auditor

(4) An auditor of a divisional board has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the divisional board and is entitled to require from the members and officers of the divisional board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

Auditor  
may take  
evidence

R.S.O. 1970,  
c. 379

(5) An auditor of a divisional board may require any person to give evidence on oath touching any of such matters, and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Auditor  
may attend  
meetings

(6) An auditor of a divisional board is entitled to attend any meeting of the divisional board or of a committee thereof and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Publication  
of financial  
statements

(7) The treasurer of every divisional board in every year shall, within one month after receiving the auditor's report on the financial statements of the divisional board, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and a statement of revenue and expenditure for the preceding year, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Idem

(8) Where in any year a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 7 cause to be included with such notice the copy or summary and the report.

Filing of  
financial  
statements

(9) The treasurer of every divisional board in every year shall prepare the financial statements of the divisional board and, upon receiving the auditor's report thereon, shall forthwith submit two copies of the financial statements together with a copy of the auditor's report to the Department. 1968, c. 122, s. 8, *part*.

Composition  
of  
board for  
defined city,  
members  
elected by  
public  
school  
electors  
R.S.O. 1970,  
c. 385

**37.—**(1) Where a school division comprises only a defined city, the members of the divisional board to be elected by public school electors shall be elected in the same manner and number as the trustees of a public school board in an urban municipality, and the provisions of *The Public Schools Act* with respect thereto apply *mutatis mutandis*.



(2) In addition to the members elected under subsection 1, the separate school supporters in the defined city shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 1 by the ratio of the residential and farm assessment of the property rateable for separate school purposes in the defined city to the residential and farm assessment of the property rateable for public school purposes in the defined city, according to the last revised assessment roll, but in no case shall the number of members to be elected under this subsection be fewer than two. 1968, c. 122, s. 8, *part*.

Members  
elected by  
separate  
school  
supporters

(3) The members to be elected under subsection 2 shall be elected as provided in subsection 19 of section 38, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1. 1970, c. 63, s. 10.

Election of  
members by  
separate  
school  
supporters  
in defined  
city

(4) The members of a divisional board elected under subsections 1 and 2 shall hold office for the same term as the members of council of the defined city and until their successors are elected and a new board organized. 1968, c. 122, s. 8, *part*.

Term of  
office

**38.—(1)** In this section,

Interpre-  
tation

(a) “equalized residential and farm assessment” means the residential and farm assessment as adjusted by the application of the equalization factor based on the assessment referred to in clause c, provided by the Department of Municipal Affairs;

(b) “population” means the population as determined under *The Municipal Unconditional Grants Act* for the purposes of that Act;

R.S.O. 1970,  
c. 293

(c) “residential and farm assessment” for the purposes of subsection 4, 5, 6, 12, 13, 14, 22 or 23 means the residential and farm assessment upon which taxes are levied in the year in which the determination referred to in such subsection is made and, for the purposes of subsection 21 or 25, means the residential and farm assessment upon which taxes are levied in the year in which nominations are held under subsection 21 or 25. 1968, c. 122, s. 8, *part, amended*.

(2) Subject to subsections 4, 5 and 6, the number of members on a divisional board, except a divisional board of a defined city, shall be determined by the total population of the municipalities, not including any territory without municipal organization that is deemed a district municipality, within the school division, as follows, where the population is,

Composi-  
tion of  
board for  
other than  
defined city

(a) less than 50,000, fourteen members;

- (b) 50,000 or more but less than 100,000, sixteen members;
- (c) 100,000 or more but less than 150,000, eighteen members;
- (d) 150,000 or more, twenty members,

provided that where a school division in the territorial districts comprises fewer than four municipalities, not including any territory without municipal organization that is deemed a district municipality, where the population of such municipalities in the school division is,

- (e) less than 3,500, five members;
- (f) 3,500 or more but less than 5,000, eight members; and
- (g) 5,000 or more but less than 10,000, ten members. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 40 (1).

Change in  
number of  
members

(3) Where it becomes evident from the population of the municipalities in a school division that the number of members on a divisional board should be increased or decreased in accordance with subsection 2, at the next election of members the proper number of members shall be elected.

Number of  
members  
to be  
elected by  
public  
school  
electors

(4) The public school electors of the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but in no case shall the number of members to be elected under this subsection,

- (a) be fewer than six where the number of trustees under subsection 2 is fourteen or more; or
- (b) be fewer than four where the number of trustees under subsection 2 is fewer than fourteen.

Number of  
members  
to be  
elected by  
separate  
school  
supporters

(5) The separate school supporters in the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but where the product obtained is less than one, one member shall be elected under this subsection. 1968, c. 122, s. 8, *part*.

(6) In a school division the number of members to be elected by the public school electors,

Number of members to be elected by public school electors in a school division in a city and in county or district municipalities

- (a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members determined under subsection 4 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the city of the equalized residential and farm assessment of all the property rateable for public school purposes in the school division; and

- (b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause a for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than one. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 40 (2), *amended*.

(7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

When determination to be made under subss. 4-6

- (a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 45 effective the 1st day of January next following the election;

- (b) under subsection 6 if,

- (i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection. 1970, c. 63, s. 11 (1).



Where city does not qualify for at least one member to be elected by public school electors

(8) Where a city is not entitled to one or more members under clause *a* of subsection 6, the city shall be deemed to be a county or district municipality for the purposes of subsection 6 or 9, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 9. 1968, c. 122, s. 8, *part.*

Distribution of members to be elected by public school electors in county or district municipalities

(9) With respect to,

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;
- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and
- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a secondary school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When determination to be made

(10) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

- (a) a determination is made in accordance with subsection 7;

- (b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or
- (c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 28 effective the 1st day of January next following the election.

(11) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 12. 1970, c. 63, s. 11 (2).

Where judge  
to make  
deter-  
mination

(12) In determining under subsection 9,

Deter-  
mination

- (a) the number of members to be elected by the public school electors of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more members by the public school electors of such municipalities,

the council of the county or the clerks of the district municipalities, or the clerks of the county municipalities in a school division in a regional municipality, as the case may be, shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division and shall, in so far as it is practicable to do so, combine municipalities that are adjoining. 1968, c. 122, s. 8, *part*; 1970, c. 63, s. 11 (3).

(13) Notwithstanding subsection 12, where the equalized residential and farm assessment of the property rateable for separate school purposes in a school division in a territorial district is less than 5 per cent of the equalized residential and farm assessment of all the rateable property in the school division, and where equalized residential and farm assessment of the property rateable for public school purposes in a municipality, expressed as a percentage of the total residential and farm assessment of all such property in the school division, differs by fifteen or more percentage points from the population of the municipality expressed as a

Idem



percentage of the total population of all the municipalities comprising the school division, the clerks of the district municipalities shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the population of a municipality or combined municipalities bears to the total population of all the municipalities comprising the school division, and the right of appeal as provided in subsection 14 shall be based upon population rather than equalized residential and farm assessment, which subsection shall apply *mutatis mutandis*. 1968, c. 122, s. 8, *part*.

Appeal from  
deter-  
mination

(14) Where the determination made under subsection 9 allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 12 or, where he determines that the determination was made in accordance with subsection 12, confirm the determination, and his decision is final. 1970, c. 63, s. 11 (4).

Information  
for deter-  
minations

(15) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose. 1970, c. 63, s. 11 (5).

By whom  
deter-  
mination to  
be made

(16) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

- (a) make the determinations required under subsections 2, 4, 5, 6 and 22 with respect to a school division in a county or a regional municipality or in territory without municipal organization, as the case may be; and



(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 23, a copy of each of the determinations made under subsections 4, 5, 6, 9, 22 and 23, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 11 or 23, a copy of the determination. 1970, c. 63, s. 11 (6).

(17) The council of any municipality concerned and a divisional board on behalf of any territory without municipal organization that is deemed a district municipality may, within ten days of the mailing of the determination made under subsection 4, 5, 6 or 22 appeal to the judge with respect to the accuracy of the determination and his decision is final, and the clerk of the county or the clerk of the county or district municipality responsible for making such determination shall make such changes in such determination as the judge requires. 1968, c. 122, s. 8, *part*; 1970, c. 63, s. 11 (7).

Questions  
to be deter-  
mined by  
judge

(18) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 14 or subsection 17, shall apply to the election next following such determination, and the divisional board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New deter-  
mination  
where  
former  
deter-  
mination  
improper

(19) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school supporters, as the case may be, in the municipality, provided that, where it is determined under this section that the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate

Election by  
public  
school  
electors  
and by  
separate  
school  
supporters

school supporters in a municipality is two or more, the council of the municipality may by by-law divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school supporters, as the case may be, in each of such areas. 1968, c. 122, s. 8, *part*; 1970, c. 63, s. 11 (9).

Time for  
passing  
by-law

(20) A by-law for the purpose mentioned in subsection 19 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. 1970, c. 63, s. 11 (10).

Election by  
public  
school  
electors in  
county and  
district  
municipalities

(21) Where it is determined under subsection 9 that two or more county or district municipalities shall be combined for the purposes of the election of one or more members, such member or members shall be elected by a general vote of the public school electors of such combined area, and,

(a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote. 1968, c. 122, s. 8, *part*; 1970, c. 63, s. 11 (11).

Number of  
members to  
be elected  
by separate  
school  
supporters  
in cities and  
county or  
district  
municipalities

(22) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution  
of members  
to be elected  
by separate  
school  
supporters

(23) Where it is determined under subsection 5 or 22 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with

subsections 9, 10, 11, 12 and 14, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a secondary school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

(24) Where the number of members,

Election of  
members by  
separate  
school  
supporters

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 22 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

(25) Where,

Idem.

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote. 1970, c. 63, s. 11 (12).



Secretary  
of board  
deemed  
clerk for  
elections  
in areas  
deemed  
district  
municipalities

Term of  
office

(26) For the purposes of clause *b* of subsection 21 and clause *d* of subsection 25, the secretary of the divisional board of a school division shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the school division. 1968, c. 122, s. 8, *part*.

Biennial  
elections

(27) The members of a divisional board to be elected under this section shall be elected for a term of two years and shall hold office until their successors are elected and a new board is organized. 1968, c. 122, s. 8, *part, amended*.

(28) An election of members of a divisional board, except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter. 1970, c. 63, s. 11 (13), *part*.

Election  
by ballot

R.S.O. 1970,  
c. 385

(29) The members of a divisional board to be elected under this section shall be elected in the same manner as the election of a mayor or reeve and, except as otherwise provided in this Part, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot apply to the election. 1968, c. 122, s. 8, *part*.

Where no  
municipal  
election in  
any year

(30) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Manner of  
election

(31) An election of members of a divisional board shall be conducted in the same manner as municipal elections and,

- (a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;
- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting.

tion meeting as provided in section 46 of *The Municipal Act*; and

R.S.O. 1970,  
c. 284

- (d) the council of a municipality may by by-law provide for advance polls, and section 91 of *The Municipal Act* applies *mutatis mutandis*.

(32) The list of voters to be used in an election of members of a divisional board is, Voters' list

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

R.S.O. 1970,  
c. 485

(33) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act*, and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

Adding  
names to  
list of  
voters

R.S.O. 1970,  
cc. 32, 284

(34) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list. 1970, c. 63, s. 11 (14).

Expenses  
for certain  
elections to  
be repaid to  
municipality

**39.**—(1) A person is qualified to be elected as a member of a divisional board of a school division,

Qualifica-  
tions of  
members

- (a) who is a Canadian citizen;
- (b) who is of the full age of twenty-one years;
- (c) who is a resident within the school division; and
- (d) who,
  - (i) in the case of the election of members by public school electors, is a public school elector, and
  - (ii) in the case of the election of members by separate school supporters, is a separate school supporter. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 41 (1).

Retiring  
members  
eligible  
for  
re-election

(2) The members retiring at the expiration of the terms for which they were respectively elected are eligible for re-election if otherwise qualified. 1968, c. 122, s. 8, *part*.

Disquali-  
fications

(3) A person is not qualified to be elected or to act as a member of a divisional board,

- (a) who is,
  - (i) a member of any other board, or
  - (ii) a member of the council of a municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board, or
  - (iii) an elected member of a local board of a municipality all or part of which is included in the area of jurisdiction of the board,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality, as the case may be;

- (b) who is the clerk or treasurer of a county or municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental thereof is not overdue and unpaid at the time of the opening of the nomination meeting.



(4) A person is qualified to act as a member of a divisional board during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a*, *b* and *c* of subsection 3.

Qualification  
to act as  
member

(5) No person shall qualify himself as a candidate for more than one seat on a divisional board, and any person who so qualifies himself and is elected to hold one or more seats on the divisional board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. 1968-69, c. 115, s. 41 (2).

Person not  
to be  
candidate  
for more  
than one  
seat

**40.**—(1) Every person qualified to vote for members of a divisional board to be elected by the public school electors in a city or in a county or district municipality or in a part of any of them, or in a combination of such municipalities, is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

Number of  
votes for  
candidates

(2) Every person qualified to vote for members of a divisional board to be elected by the separate school supporters in a city or in a county or district municipality or in a part of any of them, or in a combination of such municipalities, is entitled to as many votes as there are members to be elected by the separate school supporters in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate. 1968, c. 122, s. 8, *part*.

Idem

**41.** Every proposer and seconder of a candidate nominated for the office of a member to be elected,

Qualifica-  
tions for  
proposers  
and  
seconders of  
candidates

(a) by public school electors, shall be a public school elector; and

(b) by separate school supporters, shall be a separate school supporter. 1968, c. 122, s. 8, *part*.

**42.**—(1) Where the office of a member of a divisional board elected by public school electors becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided in section 22 of *The Public Schools Act* for filling a vacancy on a public school board in an urban municipality, which section applies *mutatis mutandis*, except that, for the purposes of this subsection, the references to "remaining trustees" and to "majority of the membership of the board" shall be deemed to be references to "remaining members elected by public school electors" and to "majority of the members of the divisional board elected by public school electors". 1968, c. 122, s. 8, *part*.

Vacancy in  
office of  
member

R.S.O. 1970,  
c. 385

Vacancy in  
office of  
member  
elected by  
separate  
school  
supporters

(2) Where the office of a member of a divisional board elected by separate school supporters becomes vacant from any cause before the expiration of the term for which he was elected, except where the vacancy occurs within one month before the next ensuing election, in which case the office shall remain vacant until the election, and where,

- (a) the remaining members elected by separate school supporters constitute a majority of the members of the divisional board elected by separate school supporters, a majority of such remaining members shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy; or
- (b) there are no remaining members who were elected by separate school supporters or the remaining members elected by separate school supporters are not a majority of the members elected by separate school supporters, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below Grade 9 who resided in the school division, as certified by the appropriate supervisory officer,

and the person so elected or appointed shall hold office for the remainder of the term of his predecessor.

All offices  
vacant

(3) Notwithstanding subsection 2, where the offices of all members of a divisional board become vacant from any cause, a new election shall be held to fill all such vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Election  
to fill  
vacancy

(4) Where an election is required to fill a vacancy on a divisional board of education, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. 1968-69, c. 115, s. 42.

Right of  
certain  
pupils  
to attend  
school in  
another  
school  
division  
R.S.O. 1970,  
cc. 111, 385,  
424

**43.**—(1) Where, on the 31st day of December, 1968, a pupil is enrolled in a public or secondary school that he has a right to attend and the school on and after the 1st day of January, 1969, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Department of Education Act*, *The Public Schools Act*, *The Schools Administration Act* or this Act, subject to subsection 5 of section 63, the right to attend the school until he completes his education in the school.

Idem

(2) Where any part of a school section or secondary school district, after the 1st day of January, 1969, forms part of a school

division other than the school division in which the school that the pupils resident in such part had a right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the divisional boards concerned agree to other arrangements for the accommodation of such pupils. 1968, c. 122, s. 8, *part*.

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. 1968-69, c. 115, s. 43. Application of subss. 1, 2

**44.**—(1) A divisional board having an enrolment in its public and secondary schools on the first school day of 1969 of 2,000 or more shall, on or before the first day of August, 1969, appoint a director of education who shall be the chief education officer of the board, and he shall hold the qualifications required by the regulations. Director of education

(2) A divisional board having an enrolment in its public and secondary schools of 2,000 or more on the 30th day of September, 1969, or of any year thereafter, shall, on or before the 1st day of August of the year following, appoint a director of education who shall be the chief education officer of the board, and he shall hold the qualifications required by the regulations. Idem

(3) A divisional board having an enrolment in its public and secondary schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. 1968, c. 122, s. 8, *part*. Supervisory officers

**45.**—(1) With the approval of the Lieutenant Governor in Council and in accordance with the regulations, effective on the 1st day of January of the year 1971 or of any second year thereafter, Amalgamation and alteration of school divisions

(a) two or more adjoining school divisions may be combined to form one school division, and the board of the combined school division shall be a divisional board of education; and

(b) one or more municipalities may be detached from a school division and attached to an adjoining school division.

(2) Where two or more school divisions are combined, Idem

(a) the divisional board of each such school division is dissolved; and

(b) all real and personal property vested in the board of each such school division becomes vested in the divisional board of the combined school division,



upon the date upon which a divisional board is organized for the combined school division. 1968, c. 122, s. 8, *part*.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which,
  - (i) two or more adjoining school divisions may be combined, or
  - (ii) the boundaries of a school division may be altered;
- (b) assigning a name to the divisional board of a combined school division;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1968, c. 122, s. 8, *part*; 1968-69, c. 115, s. 44.

Applica-  
tion of this  
part

**46.**—(1) Notwithstanding the provisions of any special Act, this Part applies to every public school board, secondary school board, board of education, county, municipality and person in accordance with the provisions of this Part.

Applica-  
tion of  
this Act  
and  
R.S.O. 1970,  
c. 385

(2) The provisions of *The Public Schools Act* and of this Act that are not inconsistent with this Part shall be read as part of this Part and shall apply to divisional boards, and so far as such provisions are inconsistent with the provisions of this Part, they do not apply to divisional boards. 1968, c. 122, s. 8, *part*, *amended*.

## PART V

### FRENCH-LANGUAGE SECONDARY SCHOOLS

Interpre-  
tation

**47.** In this Part,

- (a) “board” means a divisional board of education or a board of education of an area municipality as defined in *The Municipality of Metropolitan Toronto Act*;
- (b) “committee” means a French-language committee for secondary school purposes formed under this Part. 1968, c. 122, s. 10, *part*.

R.S.O. 1970,  
c. 295

French-  
language  
schools or  
classes

**48.**—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for such instruction in the school or schools maintained by the latter board for resident pupils of the first-mentioned board.

Idem

(2) Where for secondary school purposes in a school division a sufficient number of pupils who elect to be taught in the French

language can be assembled for this purpose in classes or groups of twenty or more in each program or branch, the board shall provide for the use of the French language in instruction in such classes or groups, and where, in the opinion of the board, the number of such pupils so warrants, the board shall provide for the use of the French language in instruction in a composite school.

(3) Subsection 1 applies *mutatis mutandis* to boards of education and secondary school boards. 1968, c. 122, s. 10, *part*.

Application to boards of education, etc.

**49.—**(1) Where,

Establishment of committee

- (a) ten or more French-speaking ratepayers of a school division apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or
- (b) the board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, provide for the establishment of a committee, which shall be an advisory committee of the board.

(2) The committee shall consist of seven members and shall be composed of,

Composition

- (a) three members of the board appointed by the board; and
- (b) four French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by the French-speaking ratepayers of the school division, except that a ratepayer elected to the committee may be a member of an elementary school board.

(3) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

Term of office

(4) The board shall make provision for a meeting of the French-speaking ratepayers of the school division to elect members to the committee, and shall advertise in each of its schools the place and time of the meeting, and shall take such additional action to publicize the meeting as it considers expedient.

First meeting of French-speaking ratepayers

(5) The committee may, in any year, at a meeting called for the purpose and for which notice has been given to all members, appoint to the committee one or two additional French-speaking ratepayers as it considers necessary, who shall have the qualifications of an elected member.

Additional members

Idem

(6) The board shall appoint to the committee one or two additional members of the divisional board, as the case may be, to equal the number of additional members appointed under subsection 5. 1968, c. 122, s. 10, *part*.

French-speaking ratepayers to elect subsequent members to committee

**50.** Where a committee has been established and a new board has been elected, a meeting of the French-speaking ratepayers in the school division, to elect members to the committee and to consider any other matters brought before it, shall be held on the second Wednesday following the first meeting of the newly-elected board, commencing at 8 o'clock in the afternoon at such place as the board may determine, and the provisions of subsection 4 of section 49 respecting the publicizing of the meeting apply. 1968, c. 122, s. 10, *part*.

Election of chairman of meeting

**51.—**(1) The secretary of the board shall call to order the meetings of the French-speaking ratepayers under sections 49 and 50 and shall preside at the meeting for the purpose of electing a chairman of the meeting.

Secretary of meeting

(2) The chairman of the meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman.

Procedure at meeting

(3) The chairman shall preside at the meeting and shall hold the election of members of the committee and submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of members of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived.

Notice of result of election

(4) Notice in writing shall be given by the secretary of the meeting to the secretary of the board designating by their names and addresses the persons elected as members of the committee. 1968, c. 122, s. 10, *part*.

Chairman of committee

**52.—**(1) At the first meeting of the committee, the members shall elect one of themselves as chairman.

Quorum

(2) A majority of all the members constituting the committee is necessary to form a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.

Vote of chairman, equality of votes

(3) On every question, the chairman may vote, and any question on which there is an equality of votes shall be deemed to be negatived.

Special meeting

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman



upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting. 1968, c. 122, s. 10, *part*.

**53.** Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members, and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant. 1968, c. 122, s. 10, *part*. Vacancies

**54.—(1)** The committee shall report at each regular meeting of the board. Committee to report to board

(2) The committee shall make recommendations to the board with respect to ways and means of meeting the educational and cultural needs of the French-speaking pupils, and shall co-operate with all committees of the board with respect to, Recommendations

- (a) suitable sites, accommodation and equipment for the purposes of section 48;
- (b) the use of the French language in instruction and the related courses of study;
- (c) the appointment of the required teaching, supervisory and administrative staff;
- (d) the establishment of special classes for adults in a French-language secondary school; and
- (e) the use of any facilities for instruction in the French language that are considered desirable to foster the educational and cultural needs of the French-speaking community.

(3) The board shall consider any report or recommendation submitted to it by the committee, and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee thereof to which such report or recommendation is referred. 1968, c. 122, s. 10, *part*. Board to consider report and recommendations

**55.—(1)** The board shall make available to the committee such personnel and services as the board considers necessary for the proper functioning of the committee. Services to be provided by board

(2) A board may pay to each member of the committee who is not a member of the board an honorarium not exceeding \$25 for each month that he is a member of the committee, and subsections 5, 6 and 7 of section 40 of *The Schools Administration Act* apply *mutatis mutandis* to the members of the committee. 1968, c. 122, s. 10, *part*. Honorarium, expenses  
R.S.O. 1970,  
c. 424

English  
subject  
required in  
grades 9  
to 12

**56.** Notwithstanding any other provisions in this Part, English shall be an obligatory daily subject of instruction for all pupils of grades 9 to 12 inclusive and shall be a required subject for each certificate and diploma issued for standing in these grades. 1968, c. 122, s. 10, *part*.

English-  
language  
classes  
where  
French-  
language  
school or  
classes  
established

**57.** Where a board has established a secondary school or classes in a secondary school under section 48 and where a sufficient number of pupils who elect instruction in the English language can be assembled, the board shall provide such instruction, and the provisions of section 48 apply *mutatis mutandis* in respect of such pupils. 1968, c. 122, s. 10, *part*.

Admission  
of pupils  
other than  
French-  
speaking  
pupils

**58.** On the request of a parent or guardian of a pupil, a board of a school division may admit such pupil to classes formed under section 48 if such pupil has a right to attend a secondary school in the school division and the principal is satisfied that the attendance of such pupil will not delay the progress of the French-speaking pupils. 1968, c. 122, s. 10, *part*.

## PART VI

### GENERAL

Declaring  
schools  
open

**59.**—(1) The board of a secondary school district may by resolution or by-law declare all or any of its schools open to the resident pupils of any secondary school district. 1967, c. 91, s. 12, *part*.

Revocation  
of  
declaration

(2) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. 1964, c. 106, s. 14, *part*.

Agreements  
for education  
at outside  
schools

**60.**—(1) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board. R.S.O. 1960, c. 362, s. 66 (1).

Idem

(2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide

for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1960, c. 362, s. 66 (2); 1965, c. 119, s. 14.

**61.**—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9. Admission to grade 9

(2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade. Idem

(3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission. Admission to grades 10-13

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade. Reduction in grade

(5) An applicant is entitled to enter an evening course of study in a secondary school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission does not entitle him to admission to the secondary school day courses. Admission to evening courses

(6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1960, c. 362, s. 67. Idem

**62.**—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district. 1964, c. 106, s. 15, *part*. Right of resident pupils to attend school

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school, Resident pupils

- (a) that is more accessible to the pupil than any secondary school in his own secondary school district;
- (b) to take either the four-year or two-year program of the business and commerce branch or of the science, technology and trades branch, or the occupational program, if the program is not available in the secondary school district in which he is resident;
- (c) to take a course of study in either the four-year program of the business and commerce branch or the four-year program of the science, technology and trades branch,



leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

- (d) to take a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;
- (e) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (f) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (g) to take a subject or course in a French-language school or class if the subject or course is not available in the French language in the secondary school district in which he is resident. 1964, c. 106, s. 15, *part*; 1967, c. 91, s. 13 (1-4); 1968, c. 122, s. 4 (1).

#### Restrictions

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if,

- (a) the school has been declared open to such a pupil; and
- (b) the supervisory officer of the school certifies that there is adequate accommodation for the pupil in the school. 1967, c. 91, s. 13 (5).

#### Idem

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the supervisory officer of the school certifies that there is adequate accommodation for the pupil in the school.

#### Non-resident pupils

(5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. 1964, c. 106, s. 15, *part*.

#### Where agreement between boards

(6) Clauses *b*, *c*, *d*, *e*, *f* and *g* of subsection 2 do not apply to a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under subsection 2 of section 6 or under section 60 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement. 1967, c. 91, s. 13 (6); 1968, c. 122, s. 4 (2).

**63.**—(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. 1964, c. 106, s. 17 (1), *part*. Where no fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 6 or under subsection 1 of section 60 or which he has a right to attend under subsection 2 of section 62 or under section 43, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with section 72 of *The Schools Administration Act*. 1965, c. 119, s. 15 (1); 1968, c. 122, s. 5. Fees payable  
R.S.O. 1970, c. 424

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 60, the council of the municipality shall pay fees to the board that operates the secondary school as provided in section 72 of *The Schools Administration Act*. 1965, c. 119, s. 15 (2), *part*. Idem

(4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in section 72 of *The Schools Administration Act*. 1965, c. 119, s. 15 (2), *part*; 1966, c. 141, s. 8 (1). Idem

(5) Notwithstanding subsections 1, 2 and 3 and section 62, where a pupil,  
     (a) has completed grade 8; and  
     (b) has attended one or more secondary schools for a total of seven or more years, Limitation on right to attend without payment of fee

he shall not be admitted to a secondary school except upon the payment of a fee as provided in section 72 of *The Schools Administration Act*. 1966, c. 141, s. 8 (2).

**64.**—(1) Subject to subsection 2, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 6. Admission of ward of children's aid society

(2) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the Where ward placed for adoption

payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 6, upon receipt from the children's aid society of a certificate that he has been so placed for adoption. 1965, c. 119, s. 16, *part*.

Where fee payable

(3) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 6 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 6 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 6, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of *The Schools Administration Act*. 1965, c. 119, s. 16, *part*; 1966, c. 141, s. 9.

R.S.O. 1970,  
c. 424

Admission of a child whose mother is the sole supporter, etc.

(4) A child who has completed the elementary school course and whose mother,

- (a) resides in Ontario;
- (b) is the sole support of the child;
- (c) is not assessed as a supporter of a secondary school; and
- (d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

R.S.O. 1970,  
c. 65

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee. R.S.O. 1960, c. 362, s. 71 (3).

Admission of resident pupil from other district

**65.**—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

- (a) the name of the secondary school district in respect of which he is a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the



school is situated, and if so assessed the amount of such assessment; and

- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school.

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement. 1964, c. 106, s. 18.

Notice of admission

**66.**—(1) Where,

- (a) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 63; or
- (b) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 63, the matter shall be referred to the county judge who shall determine the matter. 1964, c. 106, s. 19 (1).

Disagreements as to cost of education or fees

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he considers proper. R.S.O. 1960, c. 362, s. 73 (2).

Reference and directions

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the fees to be paid by the board or the fees to be paid by the municipality, as the case may be. R.S.O. 1960, c. 362, s. 73 (3); 1964, c. 106, s. 19 (2).

Filing of documents, etc.

(4) The costs of the reference to the judge are in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. R.S.O. 1960, c. 362, s. 73 (4).

Costs of reference

**67.** The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum that it is required to raise by this Act, may make grants as it considers expedient for the maintenance or permanent

Local municipality grants

improvements of the secondary school or schools in the district, or any of them. R.S.O. 1960, c. 362, s. 74.

Establish-  
ment of  
scholarships,  
etc.

**68.**—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes.

Idem

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. R.S.O. 1960, c. 362, s. 79, *amended*.

## PART VII

### SCHOOLS FOR TRAINABLE RETARDED CHILDREN

Interpre-  
tation

**69.**—(1) In this Part,

- (a) “authority” means a Retarded Children’s Education Authority;
- (b) “committee” means an advisory committee on schools for trainable retarded children established under this Part;
- (c) “divisional board” means a divisional board of education and includes The Metropolitan Toronto School Board;
- (d) “local association” means a parents’ group that is affiliated with the Ontario Association for the Mentally Retarded;
- (e) “school division” includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;
- (f) “trainable retarded child” means a child whose intellectual and physical functioning is below the level at which he could profit from attendance in a special education class for educable retarded children.

R.S.O. 1970,  
c. 295

Metro-  
politan  
Toronto  
School  
Board

(2) For the purposes of this Part, The Metropolitan Toronto School Board shall be deemed to be organized as a divisional board on the 1st day of January, 1969. 1968, c. 122, s. 9, *part*.

Divisional  
boards to  
operate  
schools for  
trainable  
retarded  
children

**70.**—(1) Each school for trainable retarded children operated by an authority in a school division, except a defined city, shall cease to be operated by the authority on the 1st day of January, 1969, and thereafter shall be operated by the divisional board of the school division.

Idem

(2) Each school for trainable retarded children operated by an authority in a school division of a defined city or by The Ottawa Collegiate Institute Board under subsection 3 shall cease to be

operated by the authority or by such Board upon the organization of the divisional board of the school division, and thereafter shall be operated by the divisional board.

(3) The schools operated by The Ottawa Retarded Children's Education Authority shall cease to be operated by such Authority on the 1st day of January, 1969, and for the year 1969 and until The Ottawa Board of Education is organized shall be operated by The Ottawa Collegiate Institute Board, which during such period shall be deemed to be a divisional board for the purposes of this Part, and The Ottawa Retarded Children's Education Authority is dissolved on that date, and section 71 applies *mutatis mutandis*. 1968, c. 122, s. 9, *part*.

Operation  
in 1969 of  
Ottawa  
Retarded  
Children's  
Education  
Authority

**71.**—(1) Upon the organization of a divisional board in a school division of a defined city and in respect of divisional boards of all other school divisions on the 1st day of January, 1969,

Assets,  
liabilities,  
etc.

- (a) all authorities that have jurisdiction wholly or partly in the school division are dissolved;
- (b) all personal property vested in an authority in respect of a school for trainable retarded children that is located in the school division is vested in the divisional board;
- (c) all real property located in the school division now vested in a local association for the use of an authority is vested in the divisional board;
- (d) all debts, contracts, agreements, rights and liabilities of an authority or a local association in respect of a school for trainable retarded children that is located in the school division become debts, contracts, agreements, rights and liabilities of the divisional board.

(2) No compensation shall be payable by the divisional board to any local association in respect of any property vested in the divisional board under subsection 1.

No com-  
pensation  
payable

(3) Where a dispute arises with respect to any matter under subsection 1, the local association involved and the divisional board shall each appoint an arbitrator, and these arbitrators shall appoint a third arbitrator who shall be the chairman, and the arbitrators shall resolve the dispute, and the decision of a majority of the arbitrators is final. 1968, c. 122, s. 9, *part*.

Dispute

**72.** All members of a divisional board are trustees for the purposes of schools for trainable retarded children. 1968, c. 122, s. 9, *part*.

Trustees

**73.**—(1) A divisional board may establish an advisory committee on schools for trainable retarded children and every divisional board of a school division that operates one or more

Advisory  
committee  
established



schools for trainable retarded children or that is requested to establish such a committee by a local association representing parents of trainable retarded children resident in the school division shall establish an advisory committee on schools for trainable retarded children.

Composi-  
tion

- (2) The committee shall consist of six members, of which,
- (a) three members shall be appointed by the divisional board from among its members; and
  - (b) three members shall be appointed by the local association, and where there is more than one local association, three members shall be appointed at a joint meeting of the associations concerned.

Qualifica-  
tions of  
members

- (3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the divisional board.

Term of  
office

- (4) The members of the committee shall hold office until the expiry of the term for which the members of the divisional board were elected.

Vacancies

- (5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the divisional board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant.

Honorarium

- (6) The divisional board may pay to each member of the committee who is not a member of the divisional board an honorarium not exceeding \$10 for each month that he is a member of the committee. 1968, c. 122, s. 9, *part*.

Quorum

- 74.**—(1) A majority of the members of the committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

Chairman

- (2) The members of the committee shall, at their first meeting, elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting.

Chairman  
voting

- (3) On every question, the chairman may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived.

Personnel  
and  
services  
available to  
committee

- (4) The divisional board shall make available to the committee such personnel and services as the divisional board considers necessary for the proper functioning of the committee. 1968, c. 122, s. 9, *part*.

**75.**—(1) The committee may make recommendations to the divisional board with respect to matters affecting the establishment and operation of schools for trainable retarded children in the school division. Powers of committee

(2) Before making a decision on a recommendation of the committee, the divisional board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. 1968, c. 122, s. 9, *part*. Right of committee to be heard

**76.** The cost of operation of schools for trainable retarded children shall be included in the estimates of the divisional board for secondary school purposes and apportioned in the same manner as the cost of operation of secondary schools. 1968, c. 122, s. 9, *part*. Cost of operation

**77.**—(1) Subject to subsection 6, a trainable retarded child whose parent or guardian resides in a school division in which a school for trainable retarded children is operated by the divisional board has the right to attend the school. Right of child to attend school

(2) Subject to subsection 6, a divisional board may admit to a school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1. Admission of other children

(3) A trainable retarded child whose mother,

- (a) resides in Ontario;
- (b) is the sole support of the child;
- (c) is not assessed as a supporter of a public or separate school; and
- (d) boards her child in a residence in a school division, other than a children's boarding home as defined in *The Children's Boarding Homes Act*,

Child whose mother is sole support, etc.

R.S.O. 1970, c. 65

shall be deemed to reside with his parent or guardian in such school division.

(4) Subject to subsection 5, a trainable retarded child who is a ward of a children's aid society shall be deemed to be resident with his parent or guardian in the school division in which he resided with his parent or guardian in the year in which he became a ward. Ward of children's aid society

(5) Where a children's aid society certifies that a child who is a ward of such society has been placed for adoption on a probationary basis, the child shall be deemed to be resident with his parent or guardian in the school division in which the child resides with his adoptive parent. Child placed for adoption

Admission  
or dismissal  
on recom-  
mendation  
of  
admissions  
board

(6) A child may be admitted to or dismissed from a school for trainable retarded children operated by a divisional board only upon the recommendation of an admissions board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the board;
- (c) a supervisory officer designated by the divisional board which operates the school or, in a provincial superintendency, a provincial area superintendent designated by the Minister; and
- (d) a supervisory officer designated by the separate school board having jurisdiction in the municipality in which the school is located, or in a provincial separate school superintendency, an area superintendent designated by the Minister.

Chairman of  
admissions  
board

(7) The principal of the school for trainable retarded children shall be the chairman of the admissions board. 1968, c. 122, s. 9, *part*.

Fees for  
non-resident  
pupils

**73.**—(1) Where a divisional board provides instruction in a school for trainable retarded children for a pupil whose parent or guardian does not reside in the school division, the board of the school division, secondary school district, school section or separate school zone in which his parent or guardian resides, shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 72 of *The Schools Administration Act*. 1968, c. 122, s. 9, *part*; 1968-69, c. 115, s. 45 (1).

R.S.O. 1970,  
c. 424

Fees where  
residence  
in school  
section and  
separate  
school zone

(2) Where a divisional board provides instruction in a school for trainable retarded children for a pupil whose parent or guardian does not reside in a school division, but does reside in a school section and in a separate school zone, the board of the school section or separate school zone of which the parent or guardian is a supporter shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 72 of *The Schools Administration Act*. 1968, c. 122, s. 9, *part*; 1968-69, c. 115, s. 45 (2).

Admission  
of child  
resident on  
tax-exempt  
lands

(3) Where a child is admitted to a school for trainable retarded children but his parent or guardian is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a rural school section for which a board has been appointed under subsection 1 of section 12 of *The Public Schools Act* or that have been designated a secondary school district for which a board has been appointed under subsection 1 of section 4, the board shall pay to the divisional

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cc. 385, 424



board a tuition fee in accordance with section 72 of *The Schools Administration Act*. 1968, c. 122, s. 9, *part*; 1968-69, c. 115, s. 45 (3).

**79.**—(1) Where a pupil resides in a school division with his parent or guardian in a residence from which daily transportation to a school for trainable retarded children that he has a right to attend is impracticable due to distance or terrain as certified by the superintendent of education of the school division in which the pupil resides, the board of the school division in which his parent or guardian resides may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends.

Boarding  
of pupils  
where daily  
transporta-  
tion im-  
practicable

(2) Where a pupil resides in a school section or in a separate school zone, but not in a school division, with his parent or guardian in a residence from which daily transportation to the school for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the school section or separate school zone, the board of the school section or of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends.

(3) Where a pupil resides in a territorial district, but not in a school division, school section or separate school zone, with his parent or guardian in a residence from which daily transportation to the school for trainable retarded children that he attends is impracticable due to distance or terrain as certified by a supervisory officer of the divisional board of the school that he attends, the divisional board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends. 1968, c. 122, s. 9, *part*.

